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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,435	07/25/2003	Kevin L. Parsons	8342-89801	2344
24628	7590	01/10/2006	EXAMINER	
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			LEE, GUIYOUNG	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/627,435	<b>Applicant(s)</b> PARSONS ET AL.	
	<b>Examiner</b> Guiyoung Lee	<b>Art Unit</b> 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 15-25, 28-36, 39-50, 54 is/are rejected.
- 7) ☒ Claim(s) 12-14, 26, 27, 37, 38 and 51-53 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Prelim./Amdt.*

1. Receipt is acknowledged of the amendment filed 9/26/2005.
2. Claims 1-54 are pending, and claims 1, 16, 29, and 40 are independent claims.

### *Response to Arguments*

3. Applicant's arguments with respect to claims 1-54 have been considered but are moot in view of the new ground(s) of rejection. The new ground of rejection follows.

### *Claim Objections*

4. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 30-58 been renumbered 28-54.

### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-5, 10-11, 15-20, 24-25, 28, 30-31, 35-36, 39-44, 49-50, and 54 are rejected under 35 U.S.C. 102(e) as being anticipated by Bruwer (US 6,249,089 B1) cited by Applicant.

7. Re claims 1, 16, 29, and 40: Bruwer discloses a flashlight and a method of operating the flashlight having a momentary contact (102 in Fig. 2) provided on a body of the flashlight for activating a light source of the flashlight and for selection of any of a plurality of different operating modes [flashing function (col. 7, lines 6-7) and S.O.S. flashing function (col. 7, lines 32-33)]; and means (201) for detecting entry of an input code through the momentary contact where the input code identifies one of plurality of operating modes; and means (202) for operating the light source in accordance with identified mode. Further, Bruwer teaches a sequential mode of operating the flashlight in an emergency notification function (col. 7, lines 5-12) and deactivating the flashlight without the identified mode (col. 7, lines 25-30).

Re claims 2-5, 10-11, 15, 17-20, 24-25, 28, 30, 35-36, 39, 41-44, 49-50, and 54: Bruwer discloses various operating mode including an on/off mode and a flashing mode (col. 10, lines 3-34). Bruwer further discloses activating the momentary contact switch a plurality of times in rapid succession to select an SOS mode (col. 10, lines 25-34). Further, Bruwer discloses a Morse code light signal for the letters SOS (col. 7, lines 30-33).

Re claim 31: Bruwer discloses a timer subroutine (Fig. 16-17).

8. Claims 6-9, 21-23, 32-34, and 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brewer (USPT 6,621,225 B2).

Re claims 6-9, 21-23, 32-34, and 45-48: Bruwer does not disclose a step of activating the momentary contact continuously for 5 seconds or the steps of exiting the flashing mode and the on/off mode. However, Bruwer teaches that “ commands can be entered through switch 102 in several different ways -- -- various time sequences of closed and open activations may represent different commands (col. 10, lines 25+)”. Although Bruwer does not disclose specifically the

step of activating momentary contact continuously for 5 second or the steps of exiting the flashing mode and the on/off mode, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bruwer's switch to include the steps of activating momentary contact continuously for 5 second or the steps of exiting the flashing mode and the on/off mode because it is one of the different ways of entering input command through the switch as Bruwer taught above, and such modification would have involved a mere change in the input command or a mere reversal of the input command and such modification of input command would be within the level of ordinary skill in the art.

#### ***Allowable Subject Matter***

9. Claims 12-14, 26-27, 37-38, and 51-53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: Although the prior art of record, Bruwer, discloses the step of selecting the SOS mode, Bruwer fails to disclose the step of activating the momentary contact three times to select the SOS mode wherein each activation is no more than one-half second apart.

#### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guiyoung Lee whose telephone number is 571-272-2374. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2875

LGY



**THOMAS M. SEMBER**  
**PRIMARY EXAMINER**